

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEINANI DESLANDES, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

McDONALD'S USA, LLC, *et al.*,

Defendants.

Case No. 17-cv-04857

Judge Jorge L. Alonso
Magistrate Judge M. David Weisman

STEPHANIE TURNER, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

McDONALD'S USA, LLC, *et al.*,

Defendants.

Case No. 19-cv-05524

Judge Jorge L. Alonso
Magistrate Judge M. David Weisman

UNITED STATES' MOTION FOR LEAVE TO FILE STATEMENT OF INTEREST

On October 26, 2021, defendants McDonald's USA, LLC and McDonald's Corporation filed a motion for judgment on the pleadings or, in the alternative, summary judgment. ECF No. 378. In support of their motion, the defendants cited a Statement of Interest filed by the United States in *Stigar v. Dough Dough, Inc.*, No. 2:18-cv-00244 (E.D. Wash. Mar. 8, 2019). ECF No. 379 at 15; *see also* ECF No. 108 at 6 (citing *Stigar* Statement of Interest); ECF No. 370 at 6 (same). The Statement of Interest in *Stigar*, however, does not fully and accurately reflect the United States' current views.

To aid the Court’s disposition of the motion, the United States respectfully requests leave to file a Statement of Interest in this matter by or before March 21, 2022, setting forth the government’s position on the antitrust issues in this case, including the implications of the Supreme Court’s decision in *NCAA v. Alston*, 141 S. Ct. 2141 (2021).

28 U.S.C. § 517 authorizes the Attorney General of the United States to send any officer of the Department of Justice to “attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.” The United States believes that its participation in this case would be helpful to the Court in adjudicating the pending motion. If the Court is so inclined, it may permit the parties to submit supplemental briefs in response to the United States’ Statement of Interest. *Cf. Mountain Crest SRL, LLC v. Anheuser-Busch InBev SA/NV*, 937 F.3d 1067, 1079 n.62 (7th Cir. 2019) (noting that the court had allowed the parties to submit supplemental briefs in response to government amicus brief filed after oral argument).

The United States has notified counsel for both the plaintiffs and the defendants of its intent to file this motion. The plaintiffs indicated that they do not oppose the requested relief. The defendants indicated that they intend to oppose the request or, in the alternative, seek a chance to supplement their briefing in response to the proposed Statement of Interest.

The United States appreciates the Court’s consideration of its interest in this matter.

February 17, 2022

Respectfully submitted,

/s/ Peter M. Bozzo

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CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2022, I electronically filed the foregoing brief by using the CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Peter M. Bozzo

Peter M. Bozzo